



April 2, 2007

Mr. Jeff Gore, RPM
U.S. EPA Region V Superfund Division
77 West Jackson Boulevard, HSRL-6J
Chicago, Illinois 60604

RE: Institutional Control Study at the Albion-Sheridan Township Landfill, City of Albion,
Calhoun County, Michigan; ALB037.100.0002.DOC

Dear Mr. Gore:

Hull & Associates, Inc. (Hull) has prepared this letter and attachments on behalf of the City of Albion and Decker Manufacturing Corp. at the request of the U.S. EPA to complete an Institutional Controls (IC) Study at the Albion-Sheridan Township Landfill (Site). The IC study is required for the Site's five-year review by the 1995 Site Record of Decision (ROD). The purpose of the IC study is to ensure the protectiveness, effectiveness and integrity of the Site remedy(ies). A letter, dated November 2, 2006, was forwarded to both the City of Albion and Decker Manufacturing Corp. from the U.S. EPA outlining the requirements of the IC study.

This letter report discusses the current status of the ownership of the properties affected by the remedies and adjacent properties, the institutional controls currently in place, and any additional controls that may be required. This report also includes a discussion of the different options for implementation of ICs at the Site. Further, this IC study evaluates if the ICs, including deed restrictions as outlined under the Site ROD and Consent Decree, have been or are being implemented by the appropriate party, if the ICs are still in effect, if the ICs are enforceable, and if the ICs are being complied with. Plate 1 in Attachment A shows prominent Site features and boundaries, as well as nearby property boundaries and ownership. Plate 2 shows the areas of the Site and off-property locations subject to an institutional control to eliminate soil and groundwater pathways. Plate 3 shows the areas of the Site and off-property locations where institutional controls have been implemented.

Ownership Information

Ownership information was obtained for the Site and adjacent properties from the Calhoun County Equalization Department located in Marshall, Michigan. Parcel numbers were obtained from a parcel map maintained by the Equalization Department and parcel ownership information was obtained from Real Estate Summary Sheets. Ownership information was cross-referenced to parcel number information and was recorded on Plates 1 through 3. The landfill's remedies (composite cover and passive venting system) are located on four parcels. The State of Michigan holds title to a parcel comprised of 8.3 acres at the north portion of the landfill. The landfill comprises approximately 30% of the 8.3-acre parcel. Environmental Resource Recovery, Inc. is listed on the Real Estate Summary Sheet as owner of a parcel comprised of 18.64 acres on the central portion of the landfill. The limit of fill comprises approximately 85% of the parcel. A deed review for this parcel indicated ownership by the State of Michigan (quit-claim deed) recorded October 30, 1991.

Mr. Jeff Gore
ALB037.100.0002.DOC
April 2, 2007
Page 2

No documentation verifying property transfer to Environmental Resource Recovery, Inc. was discovered during this deed review process. CDC Associates, Inc. holds title to two parcels located at the south end of the landfill totaling 6.45 acres. The limit of fill comprises approximately 5% of the 6.45-acre parcels.

The property (approximately 20 acres) located west of the landfill is owned by CDC Associates, Inc. and Boyd and Arlene Wiltse own the property south of the Site between the Norfolk and Southern Right of Way and the North Branch of the Kalamazoo River. The property owned by the Wiltse's is identified as a flood plain on the Flood Insurance Rate Map (FIRM) providing coverage of the area (Panel #260649 0010 A, dated March 11, 1983). The floodplain limit is shown on Plate 1.

Existing Institutional Controls

Institutional controls are defined as restrictions documented in writing that limit access to or use of the property such that exposure to hazardous substances or petroleum are effectively and reliably eliminated or mitigated. Examples of ICs include deed restrictions and land and water use restrictions. Section I of the ROD, titled "Selected Remedies", references the need for implementation of institutional controls. The ROD mentions the need for a fence to control access to the Site, the implementation of a maintenance program to maintain the landfill cap, a deed restriction to prevent future development of the landfill property, and a deed restriction or local ordinance to restrict construction of water wells that will draw water from the arsenic plume, which extends downgradient in a southwesterly direction from the landfill, as shown on Plate 2.

At the time this letter, a fence had been installed around the perimeter of the landfill to manage access to the Site. In addition, a flexible membrane liner (FML) had been installed and vegetated cover soil has established over the extent of fill. Semiannual inspections are conducted at the landfill in accordance with Section 4 of the Operation and Maintenance Plan, dated February 1999. The purpose of the Site inspection is to observe and document compliance issues established in the ROD. Specifically, the Site entrance and access road are observed for signs of rutting and/or flooding and the perimeter fence and signage is observed for compromised areas. Stormwater control features (landfill cap slopes, berms and various drainage features) are inspected to ensure they are functioning as designed. Monitoring wells and gas vents are also visually inspected on a semi-annual basis and are maintained as necessary. The landfill cap is visually inspected semiannually for deterioration of vegetative cover, surface disturbance, excessive erosion or general disruption of original grade.

Institutional Controls are also in place by way of deed restrictions on the three parcels owned by CDC Associates, Inc. The parcel numbers included on the deed are as follows:

- 13-19-362-033-00
- 13-19-362-045-10
- 13-19-363-045-20

The deed was executed on June 8, 1999 with CDC Associates, Inc. listed as the Grantor and the Michigan Department of Environmental Quality (MDEQ) listed as the Grantee. The deed states the following use restrictions:

- Grantor shall not itself make, nor may it authorize, any consumptive or other use of the groundwater underlying the Property that could cause exposure of humans or animals to the groundwater underlying the Property, without the consent of the Grantee.
- As to portions of the Property that are covered by the Landfill Cap (as identified in the Consent Decree appendices), Grantor shall not itself, nor may it authorize, any residential, commercial, or agricultural use, including, but not limited to, on-site excavation, landfilling, mining, invasive construction, drilling, and installation of drinking water production wells, except as approved by the Grantee.
- The Grantor shall not itself, nor may it authorize, any tampering with, development on, or removal of, the contaminant or monitoring systems that remain on the Property as a result of the implementation of any response action by the EPA, or any party acting as representative for EPA, and which is selected or undertaken by EPA pursuant to Section 104 of CERCLA.
- The Grantor shall not itself, nor may it authorize, any use of, or activity at, the Property that may interfere with, damage, or otherwise impair the effectiveness of any response action (or component thereof) selected and/or undertaken by EPA, or any party acting as representative for EPA, pursuant to Section 104 of CERCLA, except with written approval of EPA, and consistent with all statutory and regulatory requirements.

Additional Institutional Controls

The following institutional controls appear unimplemented at the time this letter was prepared.

- Deed restrictions preventing future development and the use of groundwater on property owned by the State of Michigan and/or Environmental Resource Recovery, Inc.
- Deed restriction or local ordinance preventing the use of groundwater on properties that overly the arsenic plume at concentration exceeding 10 ug/L, as shown on Plate 2.

Available Options for Achieving ROD Requirements

The following list of options may be considered to achieve the required IC measures documented in the ROD.

- Establishment of a deed restriction on the State of Michigan and/or Environmental Resource Recovery, Inc. property preventing the development of the landfill property or within 50 of the perimeter of the landfill property.
- Establishment of a deed restriction preventing the off-site construction of water wells that will draw water from the arsenic plume shown on Plate 2.
- Passing a local ordinance preventing the construction of off-site water wells that will draw water from the arsenic plume shown on Plate 2.
- Purchasing the effected properties and establishing the required institutional controls.
- Reviewing existing local ordinances preventing the construction of water wells within a 100-year floodplain.

Deed restrictions preventing the development over the landfill cap or within 50 feet of the perimeter of the landfill cap affect the three parcels owned by CDC Associates, Inc., the parcel owned by the State of Michigan, and the parcel owned by the State of Michigan or Environmental Resource Recovery, Inc. The deed restriction is in place for the three parcels owned by CDC Associates, Inc., however, documentation affirming the presence of such a restriction was not identified for the State of Michigan or Environmental Resource Recovery, Inc. properties.

Deed restrictions or local ordinances preventing the construction of water wells that will draw water from the arsenic plume affect the parcels mentioned above, as well as the Norfolk and Southern rail line and the Boyd and Arlene Wiltse properties located on the south side of Erie Road.

In compliance with the ROD, notification letters have been sent to both Norfolk and Southern and the Wiltse's, which are downgradient property owners or operators, informing of the presence of potentially impacted groundwater. A copy of the letters is provided in Attachment B.

Effectiveness and Enforceability of Existing ICs

As stated above, several ICs are in place at the Site to provide protectiveness of human health and the environment. These ICs include the presence of a perimeter fence to restrict access to the Site, the presence of a FML and soil cap over the extent of fill to restrict direct contact with potentially impacted soils or wastes, the implementation of a maintenance plan to document management features of the Site, and the documentation of deed restrictions limiting property use and groundwater use.

The effectiveness of these ICs is documented through the implementation of the maintenance plan described previously in this letter. Procedures are established in the maintenance plan for instances where the Site inspection identifies action items necessary for the control features to

Mr. Jeff Gore
ALB037.100.0002.DOC
April 2, 2007
Page 5

work as designed. Site inspections are documented in the Annual Report of Groundwater Quality, which is submitted annually to the US EPA, MDEQ, City of Albion, Decker Manufacturing, et al.

STANDARD OF CARE AND LIMITATIONS

Hull shall perform its services using that degree of care and skill ordinarily exercised under similar conditions by reputable members of its profession practicing in the same or similar locality at the time of service. No other warranty, express or implied, is made or intended by our proposal or by our oral or written reports. The work will not attempt to evaluate past or present compliance with federal, state, or local environmental or land use laws or regulations. Conclusions presented by Hull regarding the Site to be investigated shall be consistent with the Scope of Work, level of effort specified and investigative techniques employed. Reports, opinions, letters and other documents will not evaluate the presence or absence of any compound or parameter not specifically analyzed and reported. The presence of asbestos, radiation, radon, lead, electromagnetic fields and indoor air quality was not investigated, unless specifically stated in the scope of work. Hull makes no guarantees regarding the completeness or accuracy of any information obtained from public or private files or information provided by subcontractors.

Should you have any questions or comments please contact me at your earliest convenience at (419) 385-2018.

Sincerely,



Michael T. Coonfare, C.P., REM
Project Manager

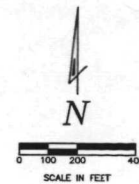
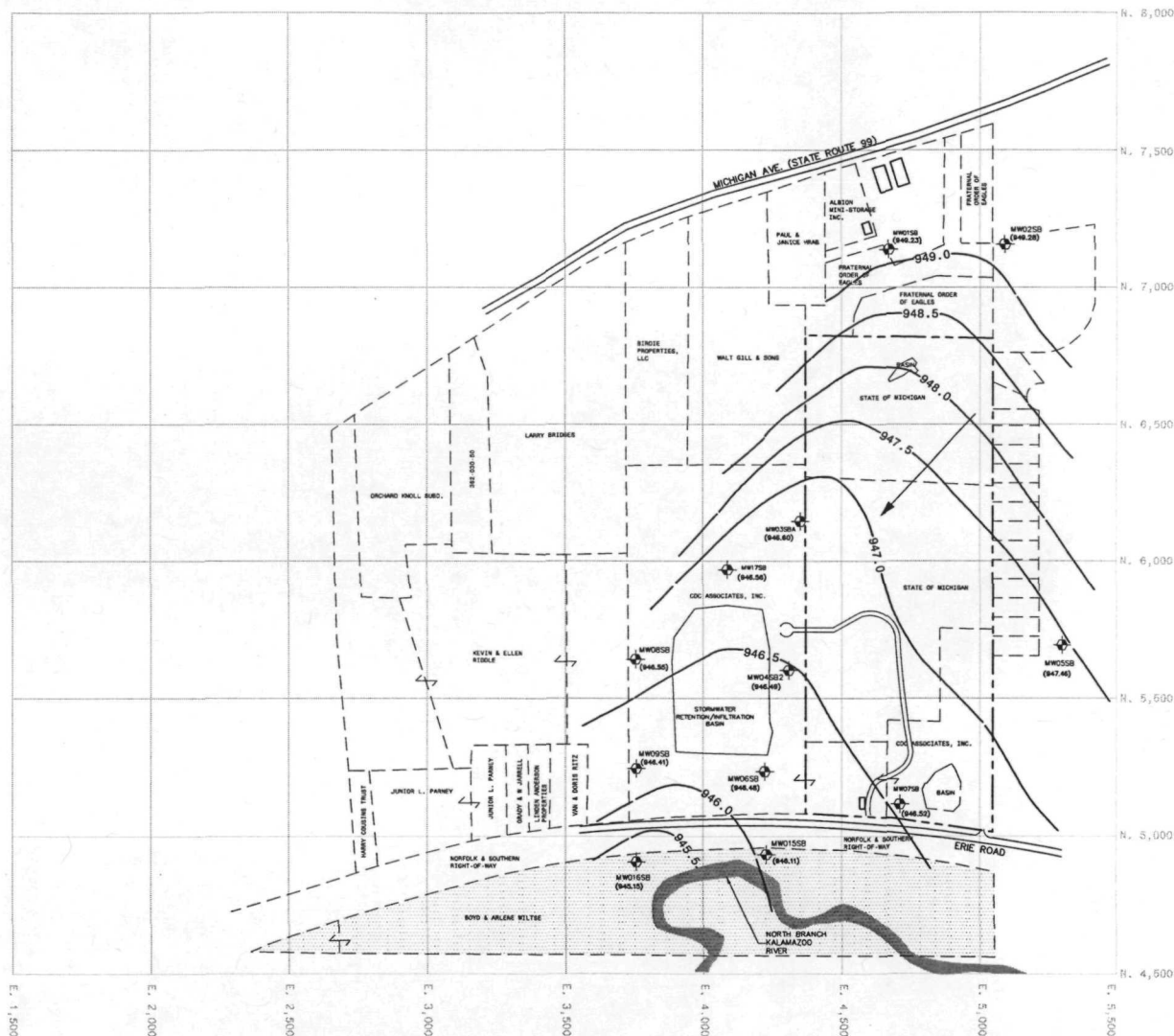
MTC/jab

Attachments

ct: Mr. Terry Baehr, Hull & Associates, Inc. (w/ attachment)
Mr. Bernard Konkle, CDC Associates, Inc. (w/ attachment)
Mr. Kevin Markovich, City of Albion (w/ attachment)

ATTACHMENT A

Plates



LEGEND

- PROPERTY LINE
- PARCEL LINES
- GROUNDWATER MONITORING WELL
- POTENTIOMETRIC SURFACE (SEPTEMBER 2006 SAMPLE EVENT)
- FLOODPLAIN

NOTE:

BASE MAP CREATED FROM WW ENGINEERING & SCIENCE REPORT DATED JULY 1994. THE OWNERSHIP OF THE CENTRAL PORTION OF THE LANDFILL IS UNCLEAR. CONFLICTING SOURCES OF INFORMATION WERE OBTAINED; ONE SOURCE NAMING ENVIRONMENTAL RESOURCE RECOVERY, INC. AS THE PROPERTY OWNER, AND THE OTHER SOURCE NAMING THE STATE OF MICHIGAN AS THE PROPERTY OWNER.

Hull
 & Associates, Inc.
 ENGINEERS / GEOLOGISTS / SCIENTISTS / PLANNERS
 1415 W. CLEVELAND AVENUE
 SUITE 300
 TOLEDO, OHIO 43614
 PHONE: (419) 395-5019
 FAX: (419) 395-5017
 WWW.HULLINC.COM

ALBION-SHERIDAN TOWNSHIP LANDFILL
 SHERIDAN TWP., CALHOUN CO., MICHIGAN

DATE	DESCRIPTION

PROJECT NO.: ALN037
 GSD Dwg FILE: ALN037.100.0001
 PLOT DATE: 1/23/07
 LAYOUT BY: MC
 DRAWN BY: MC
 CHECKED BY: MC
 SCALE: 1"=400'
 SUBMITTAL DATE: JANUARY 2007
 © 2007 HULL & ASSOCIATES, INC.

SHEET TITLE:
 PLATE 1
 ALBION-SHERIDAN
 TOWNSHIP LANDFILL
 BASE MAP

C-101

SHEET 1 OF 1

ATTACHMENT B

Notification Letters

DECKER

MANUFACTURING CORPORATION

MANUFACTURERS OF INDUSTRIAL FASTENERS & PIPE PLUGS

703 North Clark Street Albion, Michigan 49224



Phone 517-629-3955
Fax 517-629-3535
Sales Fax 517-629-8424
www.deckernut.com

March 26, 2007

Mr. Boyd and Arlene Wiltse
10365 Winding Valley Road
Brighton, MI 48116

Mr. Boyd and Ms Arlene Wiltse

This letter will serve to advise you of potential migration of contamination from the former Albion-Sheridan Landfill. The media impacted is groundwater located in shallow bedrock and the contamination is arsenic, which exceeds the drinking water standard. Your attention is also called to the enclosed "Notice of Migration of Contamination" form.

The form provides contact information should you have any questions.

Sincerely,

Decker Manufacturing Corporation

A handwritten signature in black ink, appearing to read 'Bernard L. Konkle'.

Bernard L. Konkle

City of Albion

A handwritten signature in black ink, appearing to read 'Kevin Markovich'.

Kevin Markovich,

cc: File
City of Albion(K.Markovich)
P.Moilanen
Hull & Assoc
U.S. EPA via Hull & Assoc

NOTICE OF MIGRATION OF CONTAMINATION

Please provide the following information as completely as possible.

1. Name and location of the property that hazardous substances are emanating from:

Name: Former Albion-Sheridan Township Landfill
Address: 29975 East Erie Road
City/County: Sheridan Township / Calhoun County

2. Name, address, and telephone number of the property owner, operator, or other party submitting the notice:

Name: Mr. Kevin Markovich, City of Albion
Address: 112 West Cass Street
City/State: Albion, Michigan 49224
Telephone number: 517-629-5535

Name: Mr. Bernard Konkle, Decker Manufacturing Corporation
Address: 703 North Clark Street
City/State: Albion, Michigan 49224
Telephone number: 517-629-3955

3. Provide the address and other location information for the *adjacent* property(s) onto which contamination is migrating, has migrated, or is likely to migrate.

Address: N/A
City/State: Albion, Michigan
Property Tax ID number: N/A
Other: N&S Rail Line in Sheridan Township, south of
Division Drive, east of 29 ½ Mile Road

Notified? No Yes ☒ Date: 3/26/2007

Address: N/A – Wiltse Property
City/State: Albion, Michigan
Property Tax ID number: 13-19-362-010-00
Other: Floodplain property between N&S Rail Line
and North Branch of Kalamazoo River,
Albion and Sheridan Township

Notified? No Yes ☒ Date: 3/26/2007

4. Complete the Table on Page 3 of this Form for each hazardous substance that has migrated, or is likely to have migrated, beyond the property boundary.
5. Provide a summary of the information that shows that contamination is emanating from, or has emanated from, and is present beyond the boundary of the source property. This summary shall identify the environmental media affected, specific hazardous substances, and the concentrations of those hazardous substances in all affected environmental media at the property boundary and in any sample locations beyond the property boundary. The summary shall also describe the basis for the conclusion that the contamination is emanating, has emanated, or is present beyond the boundary of the source property, including whether the conclusion is based on groundwater analytical data or fate and transport modeling, both, or neither.

Two groundwater-monitoring wells installed on the Wiltse property, used to monitor groundwater in the shallow bedrock at an elevation of approximately 912 to 918 feet above mean sea level, were sampled on September 28, 2006. Analytical results indicate concentrations of arsenic ranging from 0.0105 to 0.0358 mg/L in comparison to the maximum contaminant level (MCL) of 0.01 mg/L.

6. If the person making this notice has reason to believe that a migrating hazardous substance has affected, or is likely to affect, a private or public water supply, then that water supply must be identified here:

No public water supply wells are identified within the impacted area. Residential wells are sampled annually and arsenic concentrations have not been detected.

CERTIFICATION:

With my signature below, I certify that, to the best of my knowledge and belief, the above representations are complete and accurate.

Signature Bernard L. Konkle
(Owner or person legally authorized to bind the person making this report)

Date March 26, 2007

Name (Typed or Printed) Bernard L. Konkle

Title (Typed or Printed) President

Signature K. Markovich
(Owner or person legally authorized to bind the person making this report)

Date March 26, 2007

Name (Typed or Printed) Kevin Markovich

Title (Typed or Printed) Director of Public Services

See Item 4 on Page 1 of this Form for instructions to be used in completing this Table. Attach additional pages if necessary. The information to be included in each column of the Table is:

- Column A Name of hazardous substance.
 Column B Chemical Abstract Service (CAS) Number for the hazardous substance.
 Column C Maximum hazardous substance concentration measured on the property, expressed in parts per billion (e.g., ug/L or ug/Kg). Report maximum concentration separately for each environmental medium.
 Column D Sample location for Column C (relate to label on map).
 Column E Environmental medium in which concentration reported in Column C was measured (e.g., soil or groundwater).
 Column F Distance from point of maximum measured concentration (Column D) to property boundary, in direction of contaminant migration, if direction is known or can reasonably be inferred. If direction is unknown, list distance to nearest property boundary.
 Column G Direction of contaminant migration, if known.
 Column H Concentration closest to property boundary, if known. If a concentration lower than the maximum concentration reported in Column C has been measured at a point closer to the property boundary in the direction of contaminant migration, use Column I to list the concentration that was measured closest to the property boundary in the direction of contaminant migration.
 Column I Sample location for Column H (relate to label on map).
 Column J Environmental medium for measurement reported in Column H, if applicable.

A Hazardous Substance	B CAS Number	C Maximum Concentration	D Sample Location for "C"	E Environmental Medium for "C"	F Distance to Property Boundary	G Direction of Migration	H Boundary Concentration	I Sample Location for "H"	J Environmental Medium for "H"
Arsenic		0.106	MW-06SB	Groundwater at Shallow Bedrock	Approximately 140 feet	Southwest	0.0358	MW015SB	Groundwater at Shallow Bedrock

A scaled map or drawing showing these locations and the property boundaries must be submitted with this Notice

DECKER



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703 North Clark Street Albion, Michigan 49224

Phone 517-629-3955
Fax 517-629-3535
Sales Fax 517-629-8424
www.deckernut.com

March 26, 2007

Norfolk Southern Real Estate Department
122 Peachtree Street, NE, 12th Floor
Atlanta, GA 30309

To Whom It May Concern:

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No public water supply wells are identified within the impacted area. Residential wells are sampled annually and arsenic concentrations have not been detected.

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With my signature below, I certify that, to the best of my knowledge and belief, the above representations are complete and accurate.

Signature Bernard L. Konkle
(Owner or person legally authorized to bind the person making this report)

Date March 26, 2007

Name (Typed or Printed) Bernard L. Konkle

Title (Typed or Printed) President

Signature K. Markovich
(Owner or person legally authorized to bind the person making this report)

Date March 26, 2007

Name (Typed or Printed) Kevin Markovich

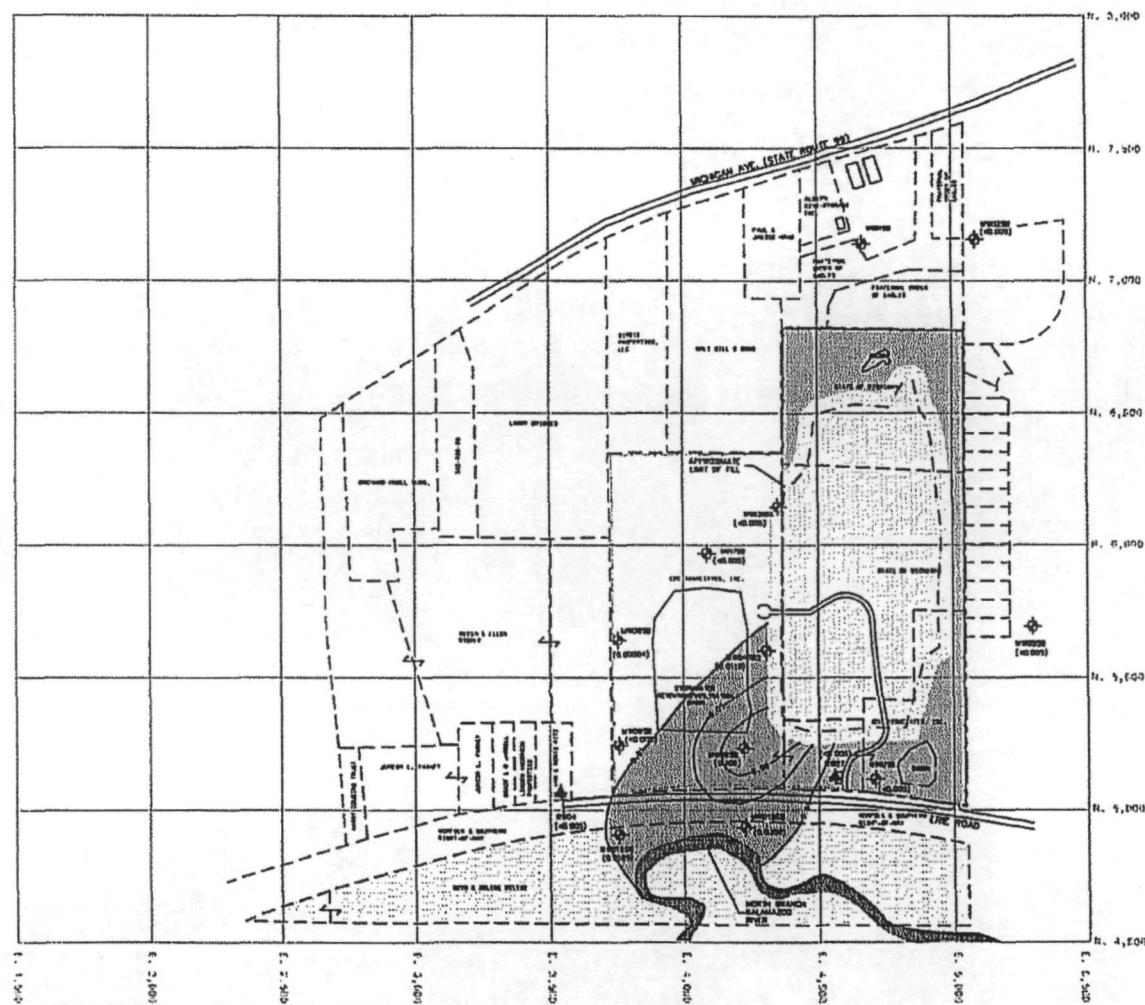
Title (Typed or Printed) Director of Public Services

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






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 Column E Environmental medium in which concentration reported in Column C was measured (e.g., soil or groundwater).
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Arsenic		0.106	MW-06SB	Groundwater at Shallow Bedrock	Approximately 140 feet	Southwest	0.0358	MW015SB	Groundwater at Shallow Bedrock

A scaled map or drawing showing these locations and the property boundaries must be submitted with this Notice



LEGEND

- PROPERTY LINE
----- PARCEL LINES
----- APPROXIMATE LIMIT OF FILL
----- FENCE
- STUCK  QUANTIFICATION OF QUANTIFICATION WELLS
(40 MIN)  QUANTIFICATION OF QUANTIFICATION WELLS
- STUCK  QUANTIFICATION OF QUANTIFICATION WELLS
-  FLOODPLAIN
-  AREA REQUIRING INVESTIGATIONAL
CONDUCT, TO PROVIDE WELL
PUMPED ON THE PROPERTY
-  AREA REQUIRING INVESTIGATIONAL
CONDUCT, TO MANAGE USE
OF QUANTIFICATION ON PROPERTY FOR
PUMPED ON NON-PROPERTY
-  PUMPED NOT ASSOCIATED WITH
CONSTRUCTION INVESTIGATIONS
ON CONSTRUCTION/MAINTENANCE
ACTIVITIES
-  AREA REQUIRING INVESTIGATIONAL
CONDUCT, TO MANAGE USE
OF QUANTIFICATION OF PROPERTY FOR
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CONDUCT, TO MANAGE USE
OF QUANTIFICATION OF PROPERTY FOR
PUMPED ON NON-PROPERTY
-  PUMPED NOT ASSOCIATED WITH
CONSTRUCTION INVESTIGATIONS
ON CONSTRUCTION/MAINTENANCE
ACTIVITIES
- FROM 8.00

NOTE:

BACK MAP CREATED FROM AN ENGINEERING A SURVEY REPORT
DATED JULY 1984. THE OWNERSHIP OF THE CENTRAL PORTION OF
THE LANDFILL IS UNCLEAR. CONFLICTING SOURCES OF
INFORMATION WERE OBTAINED: (1) SOURCE NABING
ENVIRONMENTAL RESOURCE RECOVERY, INC. AS THE PROPERTY
OWNER, AND THE OTHER SOURCE NABING THE STATE OF MICHIGAN
AS THE PROPERTY OWNER.

ALBION-SHERIDAN TOWNSHIP LANDFILL
SHERIDAN TWP., CALHOUN CO., MICHIGAN

PLATE 2
ALBION-SHENANDOAH
TOWNSHIP LANDFILL
MAP DEPICTING WHERE
INSTITUTIONAL CONTROLS
ARE REQUIRED

C-101

Page 1 of 1